

REMARKS

By the present amendment, claims 1, 9, 11, 15-17 have been amended and claims 8, 10 and 14 have been cancelled. Claims 5, 6, 21-23 were previously canceled.

Claims 1-4, 7, 9, 11-13, and 15-20 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-4, 7, 18-20 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4, 7, 18-20 under 35 U.S.C. § 102(b) as being anticipated by Greenbaum, U.S. Patent No. 5,022,555. The Applicants disagree.

The Examiner's attention is directed to the following feature of amended claim 1:

c) said casing having an aperture opening into said void area for receiving the electrochemical cell battery, and an end cover mounted to said structural shell for closing said aperture such that said electrochemical cells battery is sealed inside the casing.

The Applicants submit that the container disclosed by Greenbaum is not sealed as defined in the amended claim 1. Furthermore, the container of Greenbaum is not adapted to house an electrochemical cells battery as in the present invention but is adapted to be filled with liquid which flow in and out of the container.

Referring also to lines 24-29 of column 3 of Greenbaum,

As shown in FIG. 8, after the container 26 is finally assembled, the top of the container may be perforated with an array of small holes to function as a filter(s) to allow water and the like to flow into the container. Alternatively, fittings 32 are shown to which can be secured to valves or other pipes.

It is apparent that once the container 26 of Greenbaum is finally assembled, as shown in Figure 8, the container 26 is provided with some method of supplying water to the interior thereof either through the perforations or through the valve. The top of the container 26 shown in Figures 1-8 of Greenbaum is provided with an array of holes to allow water to flow into the container 26. An alternative embodiment described by Greenbaum provides fittings 32 (not shown in the drawings) to connect to valves or pipes that introduce water to the

interior of the container 26 via the fittings 32. The container 26 of Greenbaum is not sealed but design to allow water to enter through either the array of small holes or the fittings 32.

Therefore, at least one feature of amended claim 1 is not taught by Greenbaum. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2-4, 7, 18-20 depending therefrom.

In regard to Rejection of Claims 1, 3, 14, and 20 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1, 3, 14, and 20 under 35 U.S.C. § 102(e) as being anticipated by Asahina et al (US 2003/0027040). The Applicants respectfully disagree.

Claim 14 was cancelled and its subject matter incorporated into amended claim 1.

Amended claim 1 recites:

b) an inner lining substantially impervious to oxygen and humidity, said inner lining including at least one layer of synthetic material joined onto said inner surface of said structural shell;

The Applicants submit that Asahina et al does not disclose a inner lining joined onto the inner surface of the structural shell. Asahina et al disclose a series bag-shape battery cases 11 each having a plurality of electrode plates 8 soaked in a liquid electrolyte which are eventually connected together and housed within the prismatic battery case 3.

Paragraph [0043] of Asahina et al describes that :

The cell 2 is constituted by storing the electrode plate group 8 joined to the collectors 10 (simply referred to as the electrode plate group 8 hereafter) along with electrolyte in a bag-shape battery case 11.

As such, Asahina et al does not disclose a inner lining joined onto the inner surface of a structural shell.

Furthermore, amended claim 1 also recites :

...said structural shell being made of a molded plastic or polymer material reinforced with a plurality of discrete metallic flat portions embedded in said outer surface of said structural shell,...

Asahina et al does not disclose a plurality discrete metallic flat portions embedded in the outer surface of the structural shell as defined in amended claim 1.

The Applicants submit that at least one of these feature of amended claim 1 is not taught by Asahina et al. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 3, 14, and 20 depending therefrom.

In regard to Rejection of Claims 8-13 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 8-13 under 35 U.S.C. § 103(a) as being unpatentable over Greenbaum. The Applicants disagree.

Claims 8 and 10 were cancelled and their subject matter incorporated into amended claim 1.

The Examiner's attention is directed to the Examiner's own description of Greenbaum as applied to Claims 1-4,7 and 18-20:

..as best shown in Figs 1-6. A carrier film (16) is wrapped around PVC piping (12) to form an inner liner (18) of the container. A barrier film (20) is then formed on the outside of the carrier film ...

The PVC piping (12) is the self standing frame structure (10) onto which is wrapped the carrier film (16). The structure (10) of Greenbaum is therefore a frame as illustrated in Fig. 1 with layers wrapped around. Contrary to the Examiner's assertion, it would be far from obvious to add discrete metallic portions to the structural shell (claim 1) molded or embedded in the plastic material of the structural shell (claims 9) or mating projections (claims 11-13) since the structure (10) of Greenbaum is a frame. Furthermore, the Examiner's reference to a metallized film in discrete portion is not pertinent. The discrete metallic portions serve to add strength to the structural shell.

The applicant fails to see the link between Greenbaum which disclose a space frame as the structure and amended claim 1 claims 8-13 define a structural shell made of molded plastic or polymer material reinforced with a plurality of discrete metallic portions embedded in the outer surface of the structural shell.

The Applicants submit that a person skilled in the art would not even consider Greenbaum as a reference disclosing a structural shell as defined in claims 1, 9, 11-13.

Therefore, none of the features of claims 8-13 are taught by Greenbaum or the Examiner's assertion, alone or in combination, without admitting the correctness of the Examiner's assertion. As such, the Examiner is requested to withdraw his rejection of claims 8-13 depending from claim 1.

In regard to Rejection of Claims 1-3, 14-18 and 20 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-3, 14-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over JP 9-259840 in view of Hamada et al (US 5,510,203). The Applicants disagree.

Amended claim 1 now recites :

...said structural shell being made of a molded plastic or polymer material reinforced with a plurality of discrete metallic flat portions embedded in said outer surface of said structural shell,...

Neither JP 9-259840 nor Hamada et al. disclose a plurality discrete metallic flat portions embedded in the outer surface of the structural shell as defined in amended claim 1.

The Applicants submit that at least this feature of amended claim 1 is not taught by JP 9-259840 nor Hamada et al. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2, 3, and 15-20 depending therefrom.

Support for amendments

By the present amendment, claim 1 has been amended to incorporate therein features that were previously recited in claims 8, 10 and 14. As a result of this amendment, claims 8, 10 and 14 have been canceled. This amendment is believed to be supported by the application as originally filed, in particular 8, 10 and 14 as originally filed. Support for the amendment defining that the electrochemical cells battery is sealed inside the casing is found in paragraph [0007], line 6 and paragraph [0044], lines 10-11 of the present published application.

In view of the above amendments and remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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